

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

RAY HILL,	§	
a/k/a REGINALD I. BAILEY,		
a/k/a REGINALD I. PARKER, #582603	§	
		CIVIL ACTION NO. 1:20-CV-375
VS.	§	
GEO GROUP, INC., ET AL.	§	

MEMORANDUM ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff Ray Hill, a/k/a Reginald Bailey, a/k/a Reginald Parker, a prisoner currently confined at the Southeast Texas Transitional Center, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff requested leave to proceed *in forma pauperis*.

The Court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends denying plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and dismissing the action unless plaintiff paid the \$400 filing fee within fourteen days after the Report and Recommendation was entered.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed a “Motion for Writ of Mandamus,” which the Court liberally construes as objections to the magistrate judge’s Report and Recommendation. Plaintiff contends that he is not a “prisoner” as defined by § 1915(h) because he had been released on parole and was assigned to a halfway house at the time he filed the action. This argument lacks merit. An individual who is residing at a halfway house as a consequence of a criminal conviction is a “prisoner” within the meaning of the statute, even if he is residing at the

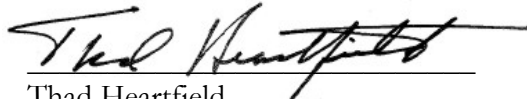
halfway house for “primarily non-punitive purposes.” *See Jackson v. Johnson*, 475 F.3d 261, 267 (5th Cir. 2007) (holding that an individual who is residing at a halfway house as a condition of his release on mandatory supervision is a “prisoner” within the meaning of § 1915(h)).

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the Court concludes the objections are without merit.

### **ORDER**

Accordingly, plaintiff’s objections (document no. 18) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (document no. 16) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge’s recommendations.

**SIGNED** this the 2 day of **July, 2021**.

  
Thad Heartfield  
United States District Judge